IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF MISSISSIPPI
JACKSON DIVISION

**WILLIAM ROBERTS WILSON, JR.; ALWYN
H. LUCKEY and WILLIAM ROBERTS PA, William
Roberts Wilson, P.A., Professional Corporation**　　　　　　　**PLAINTIFFS**

VS.　　　　　　　　　　　　　　　　　**CIVIL ACTION NO. 3:02CV525LS**

**RICHARD F. SCRUGGS, P.A.; SCRUGGS,
MILLETTE, LAWSON, BOZEMAN AND DENT, P.A.,
Professional Corporation; ASBESTOS GROUP, P.A.,
Professional Corporation and RICHARD F. SCRUGGS,
Richard F. Scruggs, P.A., Professional Corporation**　　　　**DEFENDANTS**

ORDER

This matter is before the court on the Motion to Reconsider Magistrate Judge's Order Dated January 23, 2006. The Order at issue granted a Motion to Strike, which had appeared on the court's list of stale motions, as unopposed. In so doing, the court noted that the Motion sought to strike a pleading captioned "Wilson's Notice of Filing of Accounting Resulting from Audit of Defendants' Books." The basis of the Motion was the contention that the document was not an "accounting" in any legal sense and is nothing more than a letter from an accountant to Wilson's former counsel.

The Plaintiffs now argue that the Order should be reconsidered because the case was stayed by Order of Judge Lee after the Motion to Strike was filed, but before their response was due. Although the court is doubtful that any argument could be made in support of such a pleading, the court agrees that the Motion should not have been granted as confessed, but administratively terminated, so as to remove it from the stale motions list. Therefore, while the court's earlier ruling granting the Motion will not be vacated, the ruling is without prejudice to the Plaintiffs' re-filing their pleading, after the stay is lifted, with an appropriate explanation.

IT IS, THEREFORE, ORDERED that the Motion to Reconsider Magistrate Judge's Order

Dated January 23, 2006, is hereby **granted** in part and **denied** in part, as explained above.

IT IS SO ORDERED, this the 3rd day of March, 2006.

                                        s/James C. Sumner
                                  UNITED STATES MAGISTRATE JUDGE